

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-1(b)

In re:

BLOCKFI INC., *et al.*,
Debtors.

Chapter 11

Case No. 22-19361 (MBK)

(Jointly Administered under a Confirmed Plan)

BLOCKFI INC. AS THE WIND DOWN
DEBTORS,

Plaintiff,

v.

ACE AMERICAN INSURANCE
COMPANY, ARCH INSURANCE
COMPANY, AXIS INSURANCE
COMPANY, BERKLEY INSURANCE
COMPANY, BERKSHIRE HATHAWAY
SPECIALTY INSURANCE COMPANY,
ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, NATIONAL
UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA, U.S. SPECIALTY
INSURANCE COMPANY, XL SPECIALTY
INSURANCE COMPANY,

Adv. Proc. No. 24-01067 (MBK)

Defendants.

**APPLICATION IN LIEU OF A MOTION FOR SECOND STIPULATED AGREED
ORDER EXTENDING DEADLINE TO ANSWER OR OTHERWISE
RESPOND TO AMENDED COMPLAINT**

To: HONORABLE MICHAEL B. KAPLAN
Chief United States Bankruptcy Judge

Arch Insurance Company, Berkley Insurance Company, Berkshire Hathaway Specialty Insurance Company, U.S. Specialty Insurance Company, and XL Specialty Insurance Company (collectively, the “Movants”), by and through their undersigned counsel, hereby submit this application in lieu of motion (the “Application”), pursuant to D.N.J. LBR 9021-1(b), seeking the approval and entry of the proposed *Second Stipulated Order Extending Deadline to Answer or*

Otherwise Respond to Amended Complaint (the “Second Stipulated Order”), a copy of which is attached hereto as Exhibit A, and respectfully state as follows:

1. The Second Stipulated Order is entered into by and among plaintiff BlockFi Inc., as Wind Down Debtors (the “Plaintiff”), and defendants ACE American Insurance Company, Arch Insurance Company, Axis Insurance Company, Berkley Insurance Company, Berkshire Hathaway Specialty Insurance Company, Endurance American Specialty Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, U.S. Specialty Insurance Company, and XL Specialty Insurance Company (collectively, the “Defendants” and, together with the Plaintiff, the “Parties”).

2. Plaintiff has agreed to extend the deadline for the Defendants to answer or otherwise respond to the Amended Complaint.

3. The Parties have entered into the attached Stipulated Order and agreed to be bound by its terms, subject to approval by the Court.

4. This Application is submitted pursuant to D.N.J. LBR 9021-1(b) in lieu of a motion in support of the proposed Second Stipulated Order as presented. The Movants submit that the proposed Second Stipulated Order is in the best interests of all parties because it will prevent unnecessary or unfocused litigation and allow the litigation to move forward in an efficient and expeditious manner.

WHEREFORE, the Movants respectfully request that the Court enter the proposed Second Stipulated Order and grant such other relief as the Court deems just and appropriate under the circumstances.

Dated: March 25, 2024
New York, New York

Respectfully submitted,
DLA PIPER LLP (US)

/s/ Rachel Ehrlich Albanese
Rachel Ehrlich Albanese (#027542001)
1251 Avenue of the Americas
New York, New York 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501
Email: rachel.albanese@us.dlapiper.com

Stephen C. Matthews (#055801994)
51 John F. Kennedy Parkway, Suite 120
Short Hills, New Jersey 07078
Telephone: (973) 520-2550
Facsimile: (973) 520-2551
Email: stephen.matthews@us.dlapiper.com

Stuart M. Brown (#026641988)
1201 North Market Street, Suite 1200
Wilmington, Delaware 19801
Telephone: (302) 468-5700
Facsimile: (302) 397-2336
Email: stuart.brown@us.dlapiper.com

- and -

WERNER AHARI MANGEL LLP
Stacey E. Rufe (*pro hac vice admission pending*)
2112 Pennsylvania Ave. NW
Suite 200
Washington, DC 20037
Telephone: (202) 599-1013
Email: srufe@wam.law

*Attorneys for Defendants Arch Insurance Company,
Berkley Insurance Company, Berkshire Hathaway
Specialty Insurance Company, U.S. Specialty Insurance
Company, and XL Specialty Insurance Company*